

108TH CONGRESS
1ST SESSION

H. R. 1626

To amend the Communications Act of 1934 to ensure equity for all full-service television broadcasters and ensure the benefits of local programming for communities served by class A television broadcast stations by providing cable carriage rights for qualified class A television stations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2003

Mr. PETERSON of Minnesota (for himself, Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to ensure equity for all full-service television broadcasters and ensure the benefits of local programming for communities served by class A television broadcast stations by providing cable carriage rights for qualified class A television stations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Voices on TV
5 Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The newly created class A television service
4 provides valuable local and specialized television
5 service to unserved and underserved audiences
6 throughout the United States, and for that reason
7 Congress enacted the Community Broadcasters Pro-
8 tection Act of 1999 to provide permanent broadcast
9 licenses to television stations providing such service.

10 (2) It was the purpose of the Community
11 Broadcasters Protection Act of 1999 to provide con-
12 tinuing opportunities for low power television broad-
13 cast stations to qualify for and be granted class A
14 licenses, especially where those licenses could provide
15 local programming and local voices to underserved
16 urban and rural communities.

17 (3) This new television service was created
18 seven years after the enactment of the Cable Tele-
19 vision Consumer Protection and Competition Act of
20 1992 (Public Law 102–385), and while that Act in-
21 cludes licenses for class A television service under
22 the provisions relating to low power broadcast tele-
23 vision, it does not reflect the fact that such stations
24 operate as full-service, commercial broadcast tele-
25 vision stations under part 73 of title 47, Code of
26 Federal Regulations (the rules of the Federal Com-

1 munications Commission for full power television
2 stations) and provide significant local programming
3 to their underserved communities often equaling in
4 duration that provided by the major networks in
5 other small markets.

6 (4) Thirteen of the largest 25 Hispanic markets
7 in the United States receive Spanish language net-
8 work programming through low power television sta-
9 tions. The provisions of the Cable Television Con-
10 sumer Protection and Competition Act of 1992 that
11 exclude from mandatory carriage on cable television
12 any low power television broadcast station within the
13 largest 160 Metropolitan Statistical Areas deny equi-
14 table cable carriage opportunities for such television
15 stations and other television stations serving special-
16 ized and other underserved urban communities.

17 (5) In 1992, Congress believed that require-
18 ments for mandatory carriage on cable television
19 were necessary to ensure the benefits of the local
20 origination of programming. Today, such provisions
21 are also necessary to ensure the benefits of the local
22 programming provided by qualified class A television
23 stations.

24 (6) Must-carry rights are often challenged on
25 issues of signal quality and strength. If qualified

1 class A television broadcast stations and other low
 2 power television stations use industry standard
 3 equipment in delivering signals to the cable
 4 headends, cable operators should accept any equip-
 5 ment provided and paid for by such television sta-
 6 tions so long as acceptance of such equipment does
 7 not negatively impact the operation of cable systems.

8 **SEC. 3. CABLE TELEVISION CARRIAGE REQUIREMENTS RE-**
 9 **GARDING CLASS A LOCAL TELEVISION SERV-**
 10 **ICE.**

11 (a) IN GENERAL.—Section 614 of the Communica-
 12 tions Act of 1934 (47 U.S.C. 534) is amended—

13 (1) in subsection (b)(2)(A)—

14 (A) by inserting “or qualified class A sta-
 15 tion” after “qualified low power station”; and

16 (B) by inserting “full power analog or dig-
 17 ital” after “in lieu of a”;

18 (2) in subsection (b)(4), by inserting “and
 19 qualified low power stations” after “local commercial
 20 television stations” each place it appears in subpara-
 21 graphs (A) and (B);

22 (3) in subsection (c)(1)—

23 (A) in subparagraph (A)—

1 (i) by inserting “or one qualified class
2 A station” after “qualified low power sta-
3 tion”; and

4 (ii) by striking “and” at the end;

5 (B) by striking subparagraph (B) and in-
6 serting the following new subparagraphs (B)
7 and (C):

8 “(B) a cable operator of a cable system
9 with a capacity of more than 35 usable acti-
10 vated 6 mHz channels, but fewer than 72 such
11 channels, shall be required to carry two stations
12 that are either qualified class A stations or
13 other qualified low power stations; and

14 “(C) a cable operator of a cable system
15 with a capacity of 72 or more usable activated
16 6 mHz channels shall be required to carry three
17 stations that are either qualified class A sta-
18 tions or other qualified low power stations.”;
19 and

20 (iii) by adding after subparagraph
21 (C), as so added, the following new flush
22 matter:

23 “If there are three or fewer commercial full power
24 stations serving a designated market area that do
25 not substantially retransmit the signal of another

1 broadcast station, all qualified class A stations in
2 the designated market area shall be granted carriage
3 rights, except that the number of class A stations
4 that a cable operator is required to carry under this
5 sentence shall not exceed the national average num-
6 ber of broadcast stations that a cable operator is re-
7 quired to carry in television markets in the United
8 States.”; and

9 (4) in subsection (h)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A)—

12 (I) by inserting “or qualified
13 class A station” after “full power tele-
14 vision broadcast station”; and

15 (II) by inserting “or granted”
16 after “assigned to its community”;
17 and

18 (ii) in subparagraph (B)—

19 (I) in clause (i), by inserting
20 “(other than qualified class A sta-
21 tions)” after “low power television
22 stations”; and

23 (II) in clauses (ii) and (iii), by
24 inserting “or qualified low power sta-

1 tion” after “television broadcast sta-
2 tion”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(3) QUALIFIED CLASS A STATION.—

6 “(A) IN GENERAL.—The term ‘qualified
7 class A station’ means a class A television sta-
8 tion, or a station certified as a class A tele-
9 vision station under section 336(f)(1)(B),
10 that—

11 “(i) operates in accordance with part
12 73 of title 47, Code of Federal Regula-
13 tions, as prescribed for class A licensed
14 stations;

15 “(ii) regularly broadcasts—

16 “(I) a minimum of 3 hours per
17 week in the first year after the date of
18 enactment of the Local Voices on TV
19 Act of 2003, 5 hours per week in the
20 second year after such date of enact-
21 ment, and 8 hours per week in the
22 third year after such date of enact-
23 ment and thereafter, of local program-
24 ming produced within the Grade B
25 contour of such station; or

1 “(II) for a group of commonly
2 controlled class A stations, a min-
3 imum of 3 hours per week in the first
4 year after such date of enactment, 5
5 hours per week in the second year
6 after such date of enactment, and 8
7 hours per week in the third year after
8 such date of enactment and there-
9 after, of local programming produced
10 within the grade B contour of the sta-
11 tions in such a group, but not to ex-
12 ceed the designated market area of
13 the main studio of such a group;
14 “(iii) meets all obligations and re-
15 quirements applicable to television broad-
16 cast stations under part 73 of title 47,
17 Code of Federal Regulations, with respect
18 to the broadcast of nonentertainment pro-
19 gramming; programming and rates involv-
20 ing political candidates, election issues,
21 controversial issues of public importance,
22 editorials, and personal attacks; program-
23 ming for children; and equal employment
24 opportunity; and

1 “(iv) maintains a fully operational
2 amber alert system, as part of a national
3 missing person broadcast emergency re-
4 sponse.

5 “(B) MAIN STUDIO.—For purposes of sub-
6 paragraph (A), the main studio of a qualified
7 class A station, or group of stations, shall be lo-
8 cated within the grade B contour of the quali-
9 fied class A station, or group of stations, or
10 within 15 miles of the city or cities of license,
11 whichever is greater.

12 “(C) MARKET DETERMINATIONS.—For
13 purposes of subparagraph (A), the market of a
14 qualified class A station shall be determined by
15 the grade B contour of such station or 35 miles
16 from the cable system’s headend, whichever is
17 greater. However, the market of such a station
18 shall be further adjusted to ensure cable car-
19 riage rights where 15 percent or more of the
20 station’s grade B contour is on a cable system’s
21 headend outside the grade B contour of that
22 station or where previous service to a commu-
23 nity was lost through digital television displace-
24 ments or other spectrum reallocations since
25 January 1, 1996.”.

1 (b) CONSTRUCTION.—Nothing in the amendments to
2 section 614 of the Communications Act of 1934 made by
3 subsection (a) of this section shall diminish the must-carry
4 rights of any class A or other low power television broad-
5 cast station outside the largest 160 Metropolitan Statis-
6 tical Areas of the United States as of June 30, 1990.

7 **SEC. 4. IMPLEMENTATION OF COMMUNITY BROADCASTERS**
8 **PROTECTION ACT OF 1999.**

9 (a) REGULATIONS FOR TREATMENT OF LOW-POWER
10 TELEVISION BROADCAST STATIONS AS CLASS A STA-
11 TIONS.—

12 (1) DEADLINE FOR REGULATIONS.—Not later
13 than 12 months after the date of the enactment of
14 this Act, the Federal Communications Commission
15 shall prescribe regulations to implement the provi-
16 sions of section 336(f)(2)(B) of the Communications
17 Act of 1934 (47 U.S.C. 336(f)(2)(B)) that provide
18 for the application and granting of new class A tele-
19 vision licenses. Such regulations shall provide class
20 A eligibility standards for low power stations that
21 had valid licenses for such stations on December 29,
22 1999.

23 (2) SATISFACTION OF PUBLIC INTEREST, CON-
24 VENIENCE, AND NECESSITY.—The regulations under
25 paragraph (1) shall require that the Commission

1 consider, in determining whether the treatment of a
2 low-power television station as a class A station
3 would meet the public interest, convenience, and ne-
4 cessity, the extent to which the low-power television
5 station would—

6 (A) advance the benefits of free over-the-
7 air broadcast television; and

8 (B) promote the widespread dissemination
9 of information from a multiplicity of sources.

10 (b) ACCEPTANCE OF APPLICATIONS OF ADVANCED
11 TELEVISION SERVICES.—Section 336(f)(4) of the Com-
12 munications Act of 1934 (47 U.S.C. 336(f)(4)) is amend-
13 ed by inserting after the first sentence the following new
14 sentence: “The Commission shall promptly review each
15 such license application, and if the Commission determines
16 that the proposed facilities meet the requirements of the
17 preceding sentence shall grant such license application not
18 later than 60 days after the date of such determination.”.

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